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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,573	11/22/2003	Belle L. Chou	SHENW.PT4	3254
24943 7590 07/12/2007 INTELLECTUAL PROPERTY LAW GROUP LLP 12 SOUTH FIRST STREET SUITE 1205 SAN JOSE, CA 95113			EXAMINER VU, JAKE MINH	
			ART UNIT 1618	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/719,573	Applicant(s) CHOU, BELLE L.	
	Examiner Jake M. Vu	Art Unit 1618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 24-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Receipt is acknowledged of Applicant's Restriction Requirement Response filed on 05/04/2007; and Information Disclosure Statements filed on 01/26/2004 and 01/22/2003.

- Claims 1-31 are pending in the present application.
- Claims 24-31 have been withdrawn from consideration.

Election/Restrictions

Applicant's election of Group I (claims 1-23) in the reply filed on 05/04/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Additionally, the phrase "derivative" renders the claim indefinite. The 10th edition of the Merriam-Webster's Collegiate Dictionary (Merriam-Webster Incorporated: Springfield, Massachusetts, 1993, pp 311) defines "derivative" as, "a chemical substance related structurally to another substance and theoretically derivable from it." For example, carbon could theoretically be derived from the combustion of phenols. Therefore, the definition of derivative in the Merriam-Webster Collegiate Dictionary does not shed light on what Applicants' intended for the meaning of a phenol derivative.

Regarding claim 10, Applicant's specification has no example of an antimicrobial substance that exists naturally in an edible plant. It is unclear to the Examiner what are these antimicrobial substances.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 13-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by DANGMAN et al (US 5,335,373).

Applicant's claims are directed to a glove comprising: a first layer with antimicrobial agent thereon and a second layer to resist contact between the antimicrobial with the hand.

DANGMAN disclosed a glove comprised of: a first layer with antimicrobial agent thereon and a second layer to resist contact between the anti-microbial with the hand (see Abstract and Figure 1A). Additional disclosures include: 0.1-10% by weight of triclosan, which is 2,4,4'-trichloro-2'-hydroxyldiphenyl ether (see col. 10, line 5-8 and col. 22, line 52); first layer is made of polymer material such as polyvinyl chloride (see col. 39, line 37); second layer is made of a single layer of fluid impermeable material, such as silicone plastic (see col. 39, line 25 and col. 13, line 19-20).

Claims 1 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by SHLENKER et al (US 5,338,565)

Applicant's claims are directed to a glove comprising: a first layer with antimicrobial agent therein and a second layer to resist contact between the antimicrobial with the hand.

SHLENKER disclosed a glove comprised of three layers: a middle layer with antimicrobial agent therein and an inner to resist contact between the anti-microbial with the hand.

Claims 1, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by HOURIHAM et al (US 6,913,758).

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Applicant's claims are directed to a glove comprising: a first layer with antimicrobial agent therein and a second layer with anti-microbial substance and a pH buffer.

HOURIHAM disclosed a glove comprised of: a first layer with antimicrobial agent therein and a second layer with anti-microbial substance (see col. 4, line 10-15 and 27-35) and a pH buffer (see col. 5, line 58).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over HOURIHAN et al (cited supra) or SHLENKER et al (cited supra) in view of CHOU (US 2003/0204893) and DRESDNER et al (US 5,357,636).

Applicant's claims are directed to a glove comprising: a first layer with antimicrobial agent therein and a second layer with anti-microbial substance and a pH buffer, wherein the second layer is made of polymer.

As discussed above, SHLENKER disclosed a glove comprised of three layers: a middle layer with antimicrobial agent therein and an inner closer to resist contact between the anti-microbial with the hand.

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HOURIHAM disclosed a glove comprised of: a first layer with antimicrobial agent therein and a second layer with anti-microbial substance (see col. 4, line 10-15 and 27-35) and a pH buffer (see col. 5, line 58). Additional disclosures include: synthetic polymer (see col. 3, line 59); triclosan (see col. 4, line 31); 0.01% to 1.0% of antimicrobial (see col. 4, line 41-44).

HOURIHAM or SHLENKER does not teach using aloe vera, which is an antibiotic substance and a skin conditioning substance.

CHOU teaches a glove comprised of dehydrated aloe vera (see [0034]) and pH stabilizers (see [0010] and [0023]).

DRESDNER teaches multilayer glove are well know in the prior art (see col. 3, line 15-17; col. 9, line 37-42; and col. 11, line 13-15).

It would have been obvious to the person of ordinary skill in the art at the time the invention was made to incorporate CHOU's dehydrated aloe vera glove into HOURIHAN's antimicrobial glove. The person of ordinary skill in the art would have been motivated to make those modifications, because the antimicrobial layer would have protected the hand from infection and the aloe vera would condition the hand. The person of ordinary skill in the art reasonably would have expected success because DRESDNER disclose multilayer gloves were well known in the art.

Telephonic Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jake M. Vu whose telephone number is (571) 272-8148. The examiner can normally be reached on Mon-Fri 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jake M. Vu, PharmD, JD
Art Unit 1618



SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER